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ditions of the times when inns and innkeepers were first found in England and indicates why it was that the law almost immediately clothed this business with rights and obligations which are still characteristic of it. The plan of the main body of the work evidences minute and logical analysis of the subject matter that has resulted in an arrangement of title chapter and section headings that is of itself enlightening and that renders an index almost superfluous in running down a particular point. The text is a concise statement of the law fortified by liberal citations of cases in the footnotes. The citations are brought down through the cases cited in the American Digest through the second volume for 1905, in the English Annual Digest for 1905 and in the Canadian and other colonial digests for 1904. Frequently Professor Beale prefers to insert a statement of the law in the Court's own language. In doing this he invariably gives the name of the judge writing the opinion. This is of course well enough where the name lends weight to the statement of the law, but the constant reiteration as if they were Mansfields and Marshalls of the names of judges, which, to put it mildly, often detract from the weight of their quoted opinions, is a weariness and irritation that we trust the readers of future editions will be spared. In many of these instances, moreover, there would have been a gain in clearness and brevity if Professor Beale had stated the holding of the Court in his own succinct phraseology.

In addition to the law of inns and innkeepers the work treats of the distinctive rules of law relating to boarding and lodging houses, restaurants, theatres and sleeping cars. The three hundred odd pages of the text are supplemented by an appendix of over two hundred pages containing the statutes of the various states and territories dealing with the law of inns and other public houses. The appearance of excerpts from the Porto Rican Code among these statutes calls attention to the fact that we have another new American jurisdiction to reckon with. No practising lawyer can afford to handle a case involving this branch of the law without referring to this book.

THE LAW OF HOMICIDE. By FRANCIS WHARTON. Third Edition, by FRANK H. BOWLBY, of the Publishers' editorial staff. Rochester: Lawyers' Co-operative Publishing Company. 1907. pp. clvi, 1120.

This volume is a type of the modern "staff-made" legal treatise and lends itself to the purposes of a review no more readily than do the notes in a volume of the "L. R. A." or a volume of the "A & E. Encyc." The text of the 1875 edition of Wharton is taken as the basis upon which to build an elaborate accumulation of citations. The table of cases in the new work covers 126 pages as against 19 pages in the earlier edition, the text of the earlier edition being at the same time modified or amplified so as to include the substance of the more important subsequent decisions. Several new chapters are added, such as chapters 4, 5 and 6, being respectively on "Methods of Killing Constituting Homicide," "Casual Connection" and "Participants in Crime;" the chapters on "Murder" and "Manslaughter" are considerably expanded, and Wharton's chapters on "Presumptions" and "Dying Declarations" are consolidated into a new chapter on "Evidence." The new portions of the work are introduced by the now familiar

"scope note," and the dominating purpose seems to be the inclusion of "all the law" on the subject. This leaves the present bulky volume merely a running digest thrown into orderly shape with prodigious industry. It would seem quite appropriate if the present work had been presented as a new compilation, but the name of Wharton still has a commercial value, which doubtless justifies the retention of a considerable portion of his text. It must be added, however, that a volume such as this is a very substantial contribution to what may be termed the mechanical branch of legal literature as distinguished from that which is constructive.

A TREATISE ON THE LAW OF TAXATION BY SPECIAL ASSESSMENTS. By CHARLES H. HAMILTON. Chicago: George I. Jones. 1907. pp. lxxxv, 937.

In his preface the author describes his work as being "with the exception of the most excellent little work prepared as a thesis for a Doctor's degree by Mr. Rosewater more than a decade ago" the pioneer book upon the subject of special assessments. But Mr. Victor Rosewater's book, which was submitted in the faculty of political science of Columbia University, was not a legal treatise. It was described as "a study in municipal finance" and while it devoted a considerable chapter to the law of special assessments its main attention was turned to the history, the practical operation and the theory of the subject. Its value has been attested by others than Mr. Hamilton. It may be said then that Mr. Hamilton's work is the pioneer legal work on this subject, notwithstanding the exception that he makes.

The developing importance of the subject of special assessments is witnessed by the public revenue raised in this way and by the accumulating decisions on the subject. For example in Chicago in 1905, the sum of \$16,845,974.19 was raised from general taxation, and almost a third of this amount, or \$5,026,521.91 from special assessments. St. Louis the same year raised \$8,563,109.00 from general taxation and \$2,402,814.94 from special assessments. In 1886 Welty's work on assessments was published. It devoted two chapters to street improvement assessments and cited 170 cases. Mr. Hamilton, writing twenty years later, has found it necessary to examine more than twenty times that number of cases.

If a second name were sought for this work it might be described as "The Law of Special Public Benefits" so thoroughly is the author convinced that "the only logical, just or economic authority for the exercise of the power is the special benefit received by the property taxed, by reason of the improvement," a conviction which leads him to declare that the elimination of the principle of benefits leaves nothing to justify the imposition of a special assessment. "It then becomes," he says, "pure and simple, a taking of private property for public use without just compensation, and without due process of law." Yet there are courts which do not take this uncompromising view. Mr. Hamilton is impatient with the New York Court of Appeals whose theory, he says, seems to be that benefits are the proper foundation for the right to impose a special assessment, but that if the legislature arbitrarily determines that the property in a certain district is in fact benefited to the amount of the tax imposed, such action of the legislature is final and the courts cannot interfere.